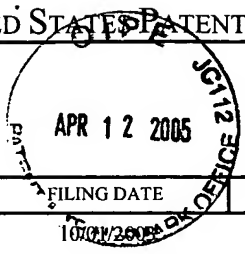




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,124	10/01/2004	Jason Richard Ellestad		4960

7590

03/04/2005

Mr. Jason R. Ellestad
9243 Chester Park Drive
Houston, TX 77064

EXAMINER

HSIEH, SHIH YUNG

ART UNIT PAPER NUMBER

2837

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/675,124

Applicant(s)

ELLESTAD ET AL.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. This application is in condition for allowance except for the following formal matters:

Please see the following statement.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
3. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
4. The disclosure is objected to because of the following informalities: the underline for numerals in the specification should be deleted. Underline is used for insertion in amendment requirement.

Appropriate correction is required.

5. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

6. Claims 1-5 are objected to because of the following informalities:

1. A claim should only contain one sentence with a period at the end of the claim.

Claim 1 contains three sentences with many capital letters.

2. Quotations marks in a claim are improper and should not be used in any claims.

3. The preamble of all dependent claims must be consistent with the independent claim. In this case, the preamble of claims 3-5 differs with the preamble of claim 1.

4. Claimed subject matters in a claim must be recited clearly. The phrases "as indicated in claim 1A" and "in claim 1B" are not clear and improper. For example, "said strip in claim 1B" should be recited as said overlaying strip to distinguish it from base strip. The base strip is already recited previously, and there is no need for the phrase "as indicated in claim 1A" to identify the subject matter.

5. The phrases "will cover" and "capable of" in claim 1 are indefinite. Definitive verb must be used, such as "covers" and "are being sounded".

6. Regarding claim 4, a dependent claim must be recited as a dependent claim of claim 1, not 1B.

Appropriate correction is required.

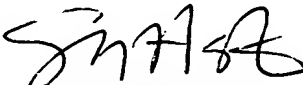
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7. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claim 1 that a base strip having a length and width of flexible ferrous magnetically receptive material element with or without polarity and self-adherent by means of adhesive backing attached to the top side of the neck adjacent to the fingerboard spanning the entire length of the fingerboard; an overlaying strip covers the base strip having a length and width of flexible ferrous magnetically receptive material element with or without polarity and with denoted information to play musical scales of different keys as set forth in the claimed combination.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SHIH-YUNG HSIEH
PRIMARY EXAMINER

Notice of References Cited



Application/Control No.

10/675,124

Applicant(s)/Patent Under
Reexamination
ELLESTAD ET AL.

Examiner

Shih-yung Hsieh

Art Unit

2837

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,572,205	03-1971		84/474
	B	US-3,748,947	07-1973	Freiheit, Roger E.	84/485R
	C	US-4,175,468	11-1979	Whitlock, Robert R.	84/485SR
	D	US-4,314,499	02-1982	Olsen, Donald	84/485R
	E	US-4,537,111	08-1985	Heath, Joseph R.	84/473
	F	US-4,559,861	12-1985	Patty et al.	84/470R
	G	US-4,712,464	12-1987	Nance, J. Gregg	84/485R
	H	US-5,386,757	02-1995	Derrick, Daniel	84/473
	I	US-5,594,191	01-1997	Epstein et al.	84/485R
	J	US-5,920,023	07-1999	Ravagni et al.	84/485R
	K	US-6,162,981	12-2000	Newcomer et al.	84/485R
	L	US-6,191,348	02-2001	Johnson, Steven T.	84/485R
	M	US-6,452,081	09-2002	Ravagni et al.	84/477R

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 10/675,124	Applicant(s)/Patent Under Reexamination ELLESTAD ET AL.	
	Examiner Shih-yung Hsieh	Art Unit 2837	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,373,768	12-1994	Sciortino, Kevin	84/293
	B	US-6,781,049	08-2004	Taylor, Charles R.	84/477R
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	N					
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	S					
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